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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,108

03/06/2002

Ronald F. Rykowski

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7938

7590

02/16/2005

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EXAMINER

KASSA, YOSEF

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,108

Applicant(s)

RYKOWSKI ET AL.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-8,10 and 14-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date May 13, 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Abstract Objection

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. Patent 4,654,794), and further in view of Lehmann (U.S. Patent 6,358,047).

With regard to claim 1, O'Brien discloses recording an image using a solid-state light detector array (reads on diode array which detect light), so as to obtain a gray level value (note color data comprises gray level values) at each pixel of the solid-state light detector array (see col. 1, lines 53-60); calculating, i.e., measuring, an average gray level value of the image recorded by the solid-state light detector array (see col. 3, lines 48-51); multiplying the average gray level value with a stray light factor to obtain a

correction value (see col. 3, lines 52-59); and subtracting the correction value from the gray level of each pixel (see col. 6, lines 35-39).

While O'Brien discloses processing color data of light reflected from an object, O'Brien does not explicitly call for process stray light data to enhance the image information. However, at the same field of endeavor, Lehnann discloses this feature (see col. 3, lines 34-40). At the time of invention was made, it would have been obvious to an ordinary skill in the art to incorporate the teaching of Lehnann's stray light enhancement process into O'Brien system. The motivation of doing so is to provide an image enhancement process by correcting the stray light information.

With regard to claim 9, O'Brien is silent about the solid-state light detector array is a charge-coupled device (CCD). However, at the same field of endeavor, Lehnann discloses this feature (see col. 3, lines 59-65). At the time of invention was made, it would have been obvious to an ordinary skill in the art to incorporate the teaching of Lehnann's color CCD camera system into O'Brien system. The motivation of doing so is to provide an image data-detecting device to detect light arrays.

Claim 12 is similarly analyzed as claim 1. As to the additional limitation of activating a software (note that the computer system 12 comprises software), in which a plurality of correction values for various combinations of solid-state light detector arrays/lens/optical elements used for color measurement are stored (see col. 2, lines 65-col. 3, lines 15).

Claim 13 is similarly analyzed as claim 1.

Allowable Subject Matter

3. Claims 2-8, 10 are 14-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art Cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6332047) to Sebborn et al discloses test equipment for color printing.

US Patent No. (6370406) to Wach et al disclose method and apparatus for analyzing...

US Patent No. (6504624) to Muench et al discloses photographic printing apparatus...

US Patent No. (6172690) to Angulo et al disclose stray light compensating unitary light tube for...

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

Art Unit: 2625

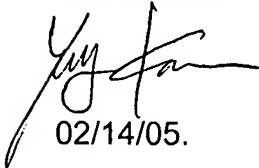
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PATENT EXAMINER

Yosef Kassa



02/14/05.